

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: DAVID ANTHONY MARTIN	:	CHAPTER 13
Debtor(s)	:	
	:	
CHARLES J. DEHART, III	:	
STANDING CHAPTER 13 TRUSTEE	:	
	:	
vs.	:	
	:	
DAVID ANTHONY MARTIN	:	
Respondent(s)	:	CASE NO. 4-17-bk-00847

TRUSTEE'S OBJECTION TO CHAPTER 13 PLAN

AND NOW, this 18th day of May, 2017, comes Charles J. DeHart, III, Standing Chapter 13 Trustee, and objects to the confirmation of the above-referenced debtor(s)' plan for the following reason(s):

1. Debtor(s)' plan violates 11 U.S.C. Sec. 1322(a)(1) in that the debtor(s) has not submitted all or such portion of the disposable income to the Trustee as required. More specifically,

Trustee alleges and avers that debtor(s)' disposable income is greater than that which is committed to the plan based upon the Means Test calculation and specifically disputes the following amounts:

- a. Actual taxes incurred with tax refund adjustment – Line 16.
- b. Transportation ownership expense – Line 13 – Ownership expense for vehicles(s) without lien not permitted.
- c. Telecommunication services – Line 23 (verification)

Trustee alleges and avers that debtor(s)' disposable income is greater than that which is committed to the plan based upon disposable income on Schedules I and J and specifically disputes the following amounts:

- a. Average federal income tax refund not considered. (\$213.00/month)
- b. Negative \$1,300.00

2. The Trustee avers that debtor(s)' plan is not feasible based upon the following:

- a. Plan ambiguous – truck payment

WHEREFORE, Trustee alleges and avers that debtor(s) plan is nonconfirmable and therefore Trustee prays that this Honorable Court will:

- a. Deny confirmation of debtor(s) plan.
- b. Dismiss or convert debtor(s) case.
- c. Provide such other relief as is equitable and just.

Respectfully submitted:

/s/Charles J. DeHart, III
Standing Chapter 13 Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
(717) 566-6097

CERTIFICATE OF SERVICE

AND NOW, this 7th day of June, 2017, I hereby certify that I have served the within Objection by electronically notifying parties or by depositing a true and correct copy of the same in the United States Mail at Harrisburg, Pennsylvania, postage prepaid, first class mail, addressed to the following:

James Johnson, Esquire
1901 East College Avenue
State College, PA 16801

/s/Deborah A. Behney
Office of Charles J. DeHart, III
Standing Chapter 13 Trustee